

**CITY OF WENATCHEE  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
CUP-14-05	)	<b>DECISION AND</b>
Washington Elementary School	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on January 5, 2015, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. An application was submitted by the Wenatchee School District on October 22, 2014 for a Conditional Use Permit: School.
2. The application is for the purpose of replacing the Washington Elementary School building and renovating the Early Childhood Learning Center building.
3. The application has been processed as a Type III quasi-judicial review for conditional use permits pursuant to WCC 13.09.050; a public hearing is required for the application – to occur January 5, 2015.
4. A pre-application meeting was held on July 10, 2014.
5. The subject property is located within the Residential High (RH) zoning district.
6. The Wenatchee Urban Area Comprehensive Plan land use designation is RH.
7. The proposed action is located at 1401 Washington Street, 1431 Washington Street, and 112 S. Elliott Avenue; and identified by Assessor's Parcel Nos.: 22-20-09-210-500 and 22-20-09-210-050.
8. The subject property is approximately 8.53 acres in size.
9. The applicant / property owner is Wenatchee School District.
10. Schools are permitted as a Conditional Use in the RH zoning district.
11. The proposal is consistent with the provisions of Title 10 Zoning.
12. The Wenatchee School District maintained SEPA lead agency status per WAC 197-11-924. The SEPA checklist was prepared on September 30, 2014 and issued a determination of Non-Significance on December 10, 2014.
13. The proposal is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.
14. A public comment was received from Paul W. Sunich, owner of the Castlerock Apartments located at 1450 Castlerock Avenue located adjacent on the south side of school property stated that he has no objection to the proposal as long as there is no direct disruption or damage to his property.
15. Deborah Johnson, on behalf of the Dian M. Thompson Estate owning property at 27 Quail Run Boulevard located on the west side of the school property stated concerns with the potential noise impacts and contaminated soils underneath existing structures.

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16. Agency comments were received from:
  - WSDOE stating there is a potential for concentrations of pesticides in the soil currently covered by buildings and asphalt due to historic agricultural use of the property.
  - The Confederated Tribes of the Colville Reservation recommends that upon any discovers made during the project that work stop and to contact the Tribal Historic Preservation Officer.
  - The City of Wenatchee Development Review Engineer has submitted a report dated December 23, 2014 identifying required transportation and street frontage improvements and the availability of storm, water, and sewer.
27. An open record public hearing after due legal notice was held on January 5, 2015.
18. The entire Planning Staff file was admitted into the record at the public hearing.
19. The City of Wenatchee Department of Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
20. Appearing and testifying on behalf of the applicant were Bryan Visscher and Bryan Fitzgerald. Mr. Visscher is the Facilities Director for the Wenatchee School District. He testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Fitzgerald indicated he is a partner with TCF Architects in Tacoma the principle architect for this project. He also testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant.

Mr. Visscher testified generally about the need to replace Washington School. He indicated that in February, 2014 the applicable voters approved a bond that would finance this project. He testified that he had no objection to any of the proposed conditions of approval.

Mr. Fitzgerald also indicated that, on behalf of the applicant, he had no objection to any of the proposed conditions of approval. He indicated that there would be no construction that would impact the retaining wall which was Mr. Sumich's concern. He indicated that the current playground area would be tested for lead and arsenic after removing the asphalt covering.
21. No member of the public testified at the hearing.
22. Supplemental materials were submitted by Staff at the hearing, including Exhibit 1 which is a January 2<sup>nd</sup> 2015 letter from Rob Salter, Congregation President for Grace Lutheran Church. In this letter, Mr. Salter indicated that Grace Lutheran Church intends to enter into an agreement with the Wenatchee School District regarding parking on the Grace Lutheran Church grounds during the construction process for the new Washington School.
23. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
24. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
25. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
26. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
27. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.

28. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
29. The proposed conditional use will comply with all required performance standards specified in Wenatchee Municipal Code.
30. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Wenatchee Municipal Code.
31. The proposal conforms to the standards specified in the Wenatchee Municipal Code.
32. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. As conditioned, the proposal is consistent with the intent, purposes, and regulations of the Wenatchee City Code and Comprehensive Plan.
3. As conditioned, this proposal meets the general and specific conditional use criteria for WCC 10.65.280 "Schools".
5. The conditional use permit will run with the land.
6. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
7. Comments from the public and reviewing agencies have been considered and addressed where appropriate.
8. As conditioned, the proposal will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.
9. As conditioned, the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, odor, dust, and appearance.
10. The conditions of approval are the minimum necessary to ensure the proposal will comply with all applicable laws and regulations.
11. All conditions place upon the proposed use are conditions that are measurable and can be enforced and monitored.
12. Public use and interests will be served by approval of this proposal.

13. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application CUP-04-05 is hereby **APPROVED** subject to the following Conditions of Approval.

### **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. Any lighting associated with the completed project shall not be installed to shine on adjoining properties.
4. Any work or improvements in the public right-of-way shall require review and approval by the City of Wenatchee Public Works department.
5. The conditional use permit only applies to 1401 Washington Street, 1431 Washington Street, and 112 S. Elliott Avenue; also identified by Assessor's Parcel Nos.: 22-20-09-210-500 and 22-20-09-210-050, for which it is issued.
6. The Wenatchee School District shall maintain compliance with the standards of WCC Title 10 Zoning and conditions of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to WCC Chapter 13.13 Enforcement and Penalties.
7. Prior to submittal of a building permit application, a boundary line adjustment shall be recorded to move or eliminate the shared property lines for Assessor's Parcel Nos.: 22-20-09-210-500 and 22-20-09-210-05.
8. Verification of compliance of the applicable standards and the recommended conditions of approval within the City of Wenatchee Development Review Engineer's report prepared by Donald Nelson, dated December 23, 2014 prior to the issuance of final occupancies for the new building and remodel as applicable.
9. Prior to construction of Washington Elementary, the applicant shall coordinate with the Department of Ecology or other appropriate for testing of previously covered soils and compliance with requirements of the Model Toxics Control Act.
10. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until the proper authorities have been notified and appropriate steps have been taken to protect the resources in accordance with the applicable laws and protocol.
11. Prior to demolition of the existing house, the applicant is encouraged to seek salvage opportunities of the structure including, but not limited to reuse of materials onsite.

12. A temporary shared parking agreement in accordance with WCC Section 10.60.040 shall be submitted to the City of Wenatchee Community and Economic Development Department for approval or the applicant shall demonstrate a temporary on-site parking area in accordance with WCC Chapter 10.60 prior to demolition of the existing parking area.
13. An alternative landscape plan meeting all applicable requirement of WCC 10.62 will be required at the time of building permit application.
14. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
15. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
16. The Applicant shall comply with all federal, state and local laws and regulations.
17. Construction shall proceed substantially as shown on the application materials on file with City of Wenatchee, except as modified by conditions below.

Dated this 7<sup>th</sup> day of January, 2015.

CITY OF WENATCHEE HEARING EXAMINER



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Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the Issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a); provided however, that no final decision of the hearing examiner may be appealed to superior court unless such party has first brought a timely motion for reconsideration of the hearing examiner's decision pursuant Wenatchee City Code, Title 13, Chapter 13.11.060.